

REMARKS

Status of the Claims

Claims 9 – 19 were withdrawn from consideration in response to the Examiner's Restriction notice.

Claims 20 - 23 have been added.

Claims 1 – 8 and 20 - 23 are now pending.

Support for these amendments can be found in the application at least at page 4, lines 6 - 30.

Rejection of the Declaration

The Examiner has rejected the Declaration filed in the present case for not presenting a post office address for the Applicants. Applicants have provided a substitute declaration along with the present response. Applicants therefore request that the Examiner withdraw his rejection to the declaration.

Election/Restriction

Applicants affirm that they have elected claims 1 – 8 with traverse, in that claims 9 - 19 (Group II) may be efficiently searched along with claims 1 – 8 (Group I).

Rejection of Claims 1 - 8 under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 1 – 8 pursuant to 35 U.S.C. §112 for not being definite and particularly pointing out the subject matter claimed. Applicants traverse the Examiner's rejection. Independent claims 1 and 8 both recite "metal tubes standardized for use in vehicle exhaust systems." The Examiner has rejected this language as "unclear to claim a vehicle subframe with respect to a different and uninvolved device". However, what is being claimed is not a vehicle subframe assembly that has been standardized for use in vehicle exhaust systems. Instead, the claimed subframe assembly is constructed from metal tubes that are standardized for vehicle exhaust systems. Independent claims 1 and 8 both overcome the Examiner's rejection.

Since claims 2 – 7 are dependent on claim 1, these claims also overcome the Examiner's rejection. Applicants therefore request that the Examiner withdraw his rejection of claims 1 – 8 under 35 U.S.C. §112.

Rejection of Claims 1 - 8 under 35 U.S.C. §103(a)

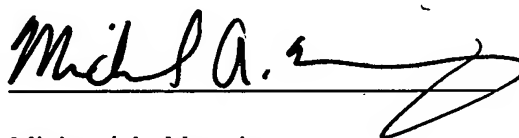
In the Office Action, the Examiner has rejected claims 1 - 8 pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,120,060 to Kocer *et al* ("Kocer") in view of U.S. Patent No. 6,233,826 to Wycech ("Wycech"). The rejected claims are not made obvious by the combination of Kocer and Wycech since a person of ordinary skill in the art would not have combined the tubing teachings of Kocer with the foam teachings of Wycech. Kocer discloses a rear suspension support assembly. Kocer does not disclose a suspension support for an entire vehicle. Further, Kocer does not disclose the use of vehicle exhaust system tubes to construct the rear suspension. Metal tubes used in a suspension system generally have a significantly thicker gauge than those used in an exhaust system. These thick gauge tubes are necessary to absorb the shock experienced by the vehicle suspension. However, with the thick gauge of the tubes, additional structural support, such as via a structural foam, is not necessary. The addition of the foam would only increase the weight of the suspension subframe without providing an equivalent increase in shock-absorption. As such, there would be no motivation to combine the thick suspension tubing of Kocer with a structural foam as in Wycech. Thus, Kocer, alone or in combination with Wycech, does not suggest the arrangement of either claim 1 or claim 8, and these claims therefore overcome the §103(a) rejection.

Since claims 2 – 7 are dependent on claim 1, these claims are also not anticipated or suggested by Kocer, alone or in combination with Wycech. The Examiner's §103(a) rejection has been overcome, and Applicants request that the Examiner withdraw his objection.

CONCLUSION

For the foregoing reasons, all of the rejections set forth by the Examiner have been overcome. Applicants therefore believe that the application is therefore in condition for allowance. Favorable reconsideration of the application is respectfully requested. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (312) 245-5354.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael A. Massing", written over a horizontal line.

Michael A. Massing
Registration No. 51,342
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200